

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Inna Pikulenko,)
)
)
Plaintiff)
)
)
v.)
Michael Chertoff, Secretary,)
U.S. Department of Homeland Security;)
Emilio Gonzalez, Director, United)
States Citizenship and Immigration)
Services; Evelyn Upchurch,)
Director, Texas Service Center, United States)
Citizenship and Immigration Services,)
Mesquite, Texas)
)
Defendants)

Case No. 07-CV-2915
ECF CASE (RJH)

STIPULATION AND ORDER	
USDC SDNY	
DOCUMENT	
ELECTRONICALLY FILED	
DOC #:	<u>10/30/07</u>
DATE FILED:	<u>10/30/07</u>

WHEREAS, on April 11, 2007, Plaintiff Inna Pikulenko ("Plaintiff") filed with this Court a petition for a writ of *mandamus* seeking to compel the Defendant and his agents to take action on her Application for Adjustment of Status (INS Form I-485) that was filed with the United States Citizenship and Immigration Services, on or about October 6, 2004; and

WHEREAS, on or about December 10, 2005, the Nebraska Service Center transferred Plaintiff's application to the Texas Service Center of United States Citizenship and Immigration Services in Mesquite, Texas for processing; and

WHEREAS, at a conference on September 7, 2007, the counsel for the Government represented to the Court that the USCIS will take the appropriate steps to adjudicate the Plaintiff's adjustment of status application; and

WHEREAS, at a conference on October 19, 2007, the USCIS had not yet acted in accordance to the Government's representations of September 7, 2007; and

WHEREAS, at a conference on October 19, 2007, the counsel for the Government

informed the Court of the existence of two "A" files for the Plaintiff, which may be attributable to the delay; and

WHEREAS, counsel for the Government has informed the Court that the matter should be resolved promptly once the USCIS reviews both of Plaintiff's "A" files in conjunction,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, as follows:

1. Within 30 days of this Stipulation and Order, the USCIS shall adjudicate the Plaintiff's Application for Adjustment of status that has been pending since 2004.
2. In the event the USCIS is unable or unwilling to comply with paragraph 1, then by November 21, 2007, the Government shall inform the Court of the USCIS' inability or unwillingness to comply.
3. Upon the USCIS' non-compliance with paragraph 1 within the prescribed time, the Government shall Show Cause on December 7, 2007, at 11:30 A.M./P.M. as to why the USCIS was unable or unwilling to comply with paragraph 1.

Dated: New York, New York
October 22, 2007

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Dated: New York, New York
October 22, 2007

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SO ORDERED:
RICHARD HOLWELL
United States District Judge

Dated: October 22, 2007